

BARNES & THORNBURG

11 South Meridian Street
Indianapolis, IN 46204
(317) 236-1313
(317) 231-7433 Fax

#4/ *Electron*
Amend C
JK
10-305

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group: 3732

Confirmation No.: 2174

Application No.: 10/058,508

Invention: COMPOSITE PROSTHETIC
BEARING CONSTRUCTED OF
POLYETHYLENE AND AN
ETHYLENE-ACRYLATE
COPOLYMER AND METHOD
FOR MAKING THE SAME

Applicant: Richard King et al.

Filed: January 28, 2002

Attorney

Docket: 265280-68188

Examiner: Unknown

Certificate Under 37 CFR 1.8(a)

I hereby certify that this correspondence is being
facsimile transmitted to the United States Patent and
Trademark Office (TC3700 Division), fax number
(703) 872-9302

on

10/1/03
Karla J. Mays
(Signature)

Karla J. Mays
(Printed Name)

RESPONSE TO RESTRICTION REQUIREMENT AND ELECTION OF SPECIES

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the restriction requirement detailed in the Office Action dated 9/23/2003, Applicants elect to have examination of claims 1-26, the claims of Group I. Claims 27-37, the claims of Group II, are hereby cancelled without prejudice.

In response to the election of species detailed in the same Office Action, Applicants elect to prosecute the claims of Species II (acetabular bearing, FIGS. 3-4) which includes claims 1-10, 13-23, and 26. The claims of Species I (i.e., claims 11 and 24) and Species III (i.e., claims 12 and 25) are withdrawn from consideration. Applicants will request consideration of such withdrawn claims when a generic claim is deemed allowable.

A claim list reflecting these changes to the claims is attached hereto.

Please charge any fees which may be due to constitute this a timely response to the 9/23/03 Office Action to Applicants' undersigned counsel's deposit account 10-0435 with reference to file number 265280-68188.

Respectfully submitted,

BARNES & THORNBURG



Shawn D. Bauer

Attorney Reg. No. 41,603

SDB/kim
Indianapolis, IN
(317) 231-7313

RECEIVED
CENTRAL FAX CENTER

OCT 01 2003

OFFICIAL

BARNES & THORNBURG
btlaw.com

11 South Meridian Street
Indianapolis, Indiana 46204-3535
(317) 236-1313

Fax Number: (317) 231-7783

FAX COVER SHEET

	NAME	COMPANY NAME	TELECOPY NO.
TO:	Commissioner for Patents	U.S. Patent and Trademark Office, TC3700 Division	(703) 872-9302

FROM: Shawn D. Bauer

DIRECT DIAL: (317) 231-7313

E-MAIL: sbauer@btlaw.com

DATE: October 1, 2003

TIME SENDING: _____

NUMBER OF PAGES (INCLUDING THIS COVER SHEET): _____

8

OFFICIAL

If you have difficulty receiving this Fax, please call Barnes & Thornburg at 317-231-7557 and ask for Karla Mays

Faxed: October 1, 2003
Applicant: Richard King et al.
Invention: COMPOSITE PROSTHETIC BEARING CONSTRUCTED OF
POLYETHYLENE AND AN ETHYLENE-ACRYLATE
COPOLYMER AND METHOD FOR MAKING THE SAME
Serial No.: 10/058,508
Filed: January 28, 2002
Docket: 265280-68188

**RECEIVED
CENTRAL FAX CENTER**

OCT 01 2003

- ☒ Response to Restriction Requirement and Election of Species (6 pages)
☒ Amendment Transmittal Letter (Large Entity)

A return facsimile message with an image of this page from the U.S. Patent & Trademark Office acknowledges receipt of the indicated papers.

SDB/kim

Response once received: Please deliver immediately.

CLIENT# 265280

MATTER# 68188

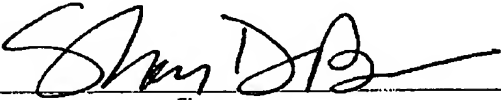
☐ Original to follow by mail

☒ Original will not follow by mail

CONFIDENTIALITY NOTICE: This message is for the exclusive use of the individual or entity to which it is addressed and is confidential. If you are not the addressee or an employee or agent of the addressee responsible for delivering it to the addressee, please do not read, use, disclose, copy or distribute this message and do not take any action in reliance upon it. If you have received this message in error, please notify us immediately by telephone (collect) to arrange for its return. We do not intend to waive any attorney-client or work product privilege by the transmission of this message.

Chicago Elkhart Fort Wayne Grand Rapids Indianapolis South Bend Washington, D.C.

Route to: Karla Mays

AMENDMENT TRANSMITTAL LETTER (Large Entity)				Docket No. 265280-68188	
Applicant(s): Richard King et al.					
Serial No. 10/058,508	Filing Date January 28, 2002	Examiner Unknown	Group Art Unit 3732		
Invention: COMPOSITE PROSTHETIC BEARING CONSTRUCTED OF POLYETHYLENE AND AN ETHYLENE-ACRYLATE COPOLYMER AND METHOD FOR MAKING THE SAME					
<u>TO THE COMMISSIONER FOR PATENTS:</u>					
Transmitted herewith is an amendment in the above-identified application. The fee has been calculated and is transmitted as shown below.					
CLAIMS AS AMENDED					
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	22 -	37 =	0 x	\$18.00	\$0.00
INDEP. CLAIMS	2 -	3 =	0 x	\$86.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0.00
<div><input checked="" type="checkbox"/> No additional fee is required for amendment.</div> <div><input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____</div> <div><input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed.</div> <div><input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 10-0435</div> <div><input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16.</div> <div><input checked="" type="checkbox"/> Any patent application processing fees under 37 CFR 1.17.</div>					
 Signature			Dated: 01 October 2003		
Shawn D. Bauer BARNES & THORNBURG 11 S. Meridian Street Indianapolis, IN 46204 (317) 231-7313 Attorney Reg. No. 41,603					
CC:					

P11LARGE/REV06